

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK  
2500 Tulare Street  
Fresno, CA 93721

**FILED**

JAN 14 2008

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

U.S District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 90012

RE: USA vs. *CR 07-635 MAG*  
USDC No.: 1:07-CR-00122-OWW

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated January 02, 2008, transmitted herewith are the following documents.

**Electronic Documents: 1 to 15.**

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

January 10, 2008

/s/ T. Lundstrom

Deputy Clerk

RECEIVED BY:

\_\_\_\_\_  
Please Print Name

DATE RECEIVED:

NEW CASE  
NUMBER:

\_\_\_\_\_  
\_\_\_\_\_



U.S. DEPARTMENT OF JUSTICE

United States Attorney  
Eastern District of California

McGregor W. Scott  
United States Attorney

2500 Tulare Street, Suite 4401  
Fresno, CA 93721

Phone 559/497-4000  
Fax 559/497-4099  
TTD 559/497-4500

September 26, 2007

Bryan R. Whitaker  
Special Assistant United States Attorney  
United States Attorney's Office  
1301 Clay Street, Suite 340S  
Oakland, CA 94612

CR 07-635 MSJ

Re: United States v. Alan Randle  
1:07CR122 OWW

Dear Mr. Whitaker:

Pursuant to our agreement regarding the above-captioned case, please find enclosed a Consent to Transfer form executed in duplicate (copies for your files) by defendant. Also enclosed is a Rule 20 Transfer Notice form. Please sign both of these documents and file the originals with your clerk's office to initiate the transfer of this case to the Northern District of California.

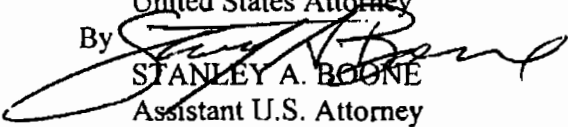
Also enclosed please find a signed original Plea Agreement to be filed with the clerk's office in the Northern District of California.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

McGREGOR W. SCOTT  
United States Attorney

By

  
STANLEY A. BOONE  
Assistant U.S. Attorney

SAB:nm  
Enclosures

USA-153 Consent to Transfer of Case for Plea and Sentence (Under Rule 20)

In the United States District Court

for the EASTERN DISTRICT OF CALIFORNIA  
UNITED STATES OF AMERICA  
v.  
ALLEN RANDLE } CRIMINAL NUMBER: 07-00122 OWW

Consent to Transfer of Case for Plea  
and Sentence  
(Under Rule 20)

I, Allen Randle, defendant, have been informed that an indictment information, charging is pending against me in the above designated cause. I wish to plead guilty to the offense charged, to consent to the disposition of the case in the Northern District of California in which I, have been released on bond, (am under arrest, am held) and to waive trial in the above captioned District.

Dated: 9-18, 2007 at 10:00 am

Allen Randle  
(Defendant)  
Jay Leam  
(Witness)  
Jay Leam  
(Counsel for Defendants)  
Stacy A. Boud  
(Assistant United States Attorney)

Approved

Stacy A. Boud  
Assistant United States Attorney for the  
Eastern District of  
California

Bryan R. White  
Special Assistant United States Attorney for the  
Northern District of  
California

Form No. USA-18  
(Rev. 5-1-83)

## RULE 20--TRANSFER NOTICE

TO: Bryan R. Whittaker Special Assistant U.S. Attorney	DISTRICT ND/CA	DATE 9/26/07
NAME OF SUBJECT ALLEN RANDLE	STATUTE VIOLATED 18 U.S.C. §287	FILE DATA (Initials and Number) 1:07CR122 OWW

## PART A--DISTRICT OF ARREST

☐ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your district. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.

☐ Enclosed is certified copy of waiver of indictment executed by defendant. Kindly file criminal information and forward two verified copies thereof.

☒ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceedings or certified copies thereof to the Clerk of the Court in this district in accordance with Rule 20. Docket No. 1:07CR122 OWW

☐ Other (Specify):

☐ The above-named defendant entered a plea of guilty under Rule 20.

DATE OF PLEA

DATE OF SENTENCE

SENTENCE

FROM (Signature and Title)  Stanley A. Boone Assistant U.S. Attorney	ADDRESS 2500 Tulare Street, Ste. 4401 Fresno, CA 93721
--	--

## PART B--DISTRICT OF OFFENSE

☒ I am agreeable to Rule 20 disposition.

☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at

on

at

o'clock.

(Kindly notify me of any anticipated delay.)

☐ Enclosed are two certified copies of indictment or information. Docket No. \_\_\_\_\_

☐ Please have defendant execute waiver of indictment.

☐ Other (Specify):

SIGNATURE (Name and Title) Bryan R. Whittaker	DISTRICT ND/CA	DATE
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See United States Attorneys Manual, Title 2, pp. 11-16.2 and United States Attorneys Bulletin (Appendix) Vol. 9, No. 20, October 6, 1961, for an explanation of procedures under Rules 7 and 20, Federal Rules of Criminal procedure. See also Title 4, p.44-1, United States Attorneys Manual.

Computer generated 7/00

1 SCOTT N. SCHOOLS (SC 9990)  
United States Attorney

2 W. DOUGLAS SPRAGUE (CSBN 202121)  
3 Acting Chief, Criminal Division

4 BRYAN R. WHITTAKER (TX 24047097)  
Special Assistant United States Attorney

5 1301 Clay Street, Suite 340S  
6 Oakland, California 94612  
7 Telephone: (510) 637-3680  
Facsimile: (510) 436-3724  
8 E-Mail: [Bryan.Whittaker@usdoj.gov](mailto:Bryan.Whittaker@usdoj.gov)

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION  
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 ALLEN RANDLE,

18 Defendant.

No.

PLEA AGREEMENT

19  
20 I, ALLEN RANDLE, and the United States Attorney's Office for the Northern District of  
21 California (hereafter "the government") enter into this written plea agreement (the "Agreement")  
22 pursuant to Rules 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

23 The Defendant's Promises

24 I. I agree to plead guilty to Counts One and Two of the captioned indictment, filed  
25 in the Eastern District Of California, charging me with False Claims, in violation of 18 U.S.C. §  
26 287. I agree that the elements of the offense are as follows: (1) I knowingly presented or made a  
27 claim to an agency of the United States; and (2) I knowingly knew that such claim was  
28 materially false, fictitious, or fraudulent.

PLEA AGREEMENT  
CR \_\_\_\_\_

1 I agree that the maximum penalties as to each count are as follows:

- |   |    |                                 |                        |
|---|----|---------------------------------|------------------------|
| 2 | a. | Maximum prison sentence         | 5 years                |
| 3 | b. | Maximum fine                    | \$ 250,000             |
| 4 | c. | Maximum supervised release term | 3 years                |
| 5 | d. | Restitution:                    | Mandatory              |
| 6 | e. | Special Assessment:             | \$100 as to each count |

7 2. I agree that I am guilty of the offense(s) to which I will plead guilty, and I agree  
 8 that the following facts are true: On or about April 13, 2006, the defendant presented a  
 9 materially false, fictitious and fraudulent claim to the Internal Revenue Services ("IRS") by  
 10 means of a false tax returns knowing such claim to be false, fictitious, and fraudulent. In that  
 11 claim, defendant presented that he was employed by A Z Bus Sales and had made \$19,562 for the  
 12 calendar year 2005, when in fact he had not worked for such employer nor had he earned such  
 13 income from that employer for that calendar year. The claim presented was materially false and  
 14 fraudulent and known by the defendant to be false and fraudulent and done for the purpose of  
 15 obtaining Earned Income credit from the IRS which the defendant was not otherwise entitled to.  
 16 As a result of his false and fraudulent claim, the defendant requested a refund of \$4,667. On or  
 17 about April 14, 2006, the defendant applied for a Refund Anticipation Loan and obtained from  
 18 HSBC, a federally insured institution, a loan in the amount of \$4,410.05. On or about January  
 19 14, 2007, the defendant presented a materially false, fictitious and fraudulent claim to the  
 20 Internal Revenue Services ("IRS") by means of a false tax returns knowing such claim to be  
 21 false, fictitious, and fraudulent. In that claim, defendant presented that he was employed by  
 22 Kohls Department Stores, Inc. and had made \$18,465 for the calendar year 2006, when in fact he  
 23 had not worked for such employer nor had he earned such income from that employer for that  
 24 calendar year. The claim presented was materially false and fraudulent and known by the  
 25 defendant to be false and fraudulent and done for the purpose of obtaining Earned Income credit  
 26 from the IRS which the defendant was not otherwise entitled to. As a result of his false and  
 27 fraudulent claim, the defendant requested a refund of \$6,844. On or about January 15, 2007, the  
 28 defendant applied for a Refund Anticipation Loan and obtained from Santa Barbara Bank and

PLEA AGREEMENT

CR \_\_\_\_\_



1 Trust, a federally insured institution, a loan in the amount of \$6,844. The Internal Revenue  
2 Service is a civil agency of the United States.

3 3. I agree to give up all rights that I would have if I chose to proceed to trial,  
4 including the rights to a jury trial with the assistance of an attorney; to confront and  
5 cross-examine government witnesses; to remain silent or testify; to move to suppress evidence or  
6 raise any other Fourth or Fifth Amendment claims; to any further discovery from the government  
7 and to pursue any affirmative defenses and present evidence. I also agree that by entering io this  
8 plea agreement in the Northern District of California that I waive any venue I may have to be  
9 tried in the Eastern District of California and elsewhere, based on the charges filed in this case.

10 4. I agree to give up my right to appeal my conviction, the judgment, and orders of  
11 the Court. I also agree to waive any right I may have to appeal any aspect of my sentence,  
12 including any orders relating to forfeiture and/or restitution.

13 5. I agree not to file any collateral attack on my conviction or sentence, including a  
14 petition under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, or motion under 18 U.S.C. § 3582, at any  
15 time in the future after I am sentenced, except for a claim that my constitutional right to the  
16 effective assistance of counsel was violated

17 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is  
18 entered.

19 7. I agree that the Court will calculate my sentencing range under the Sentencing  
20 Guidelines. I understand that the Court, while not bound to apply the Guidelines, must consult  
21 those Guidelines and take them into account when sentencing, together with the factors set forth  
22 in 18 U.S.C. § 3553(a). I agree that regardless of the sentence that the Court imposes on me, I  
23 will not be entitled, nor will I ask, to withdraw my guilty plea. I also agree that the Sentencing  
24 Guidelines range will be calculated as follows and that I will not ask for any other adjustment to  
25 or reduction in the offense level or for a downward departure from the Guidelines range:

- |    |    |  |   |
|----|----|--|---|
| 26 | a. | Base Offense Level, U.S.S.G. § 2B1.1(a):                           | 6 |
| 27 | b. | Specific offense characteristics:                                  | 4 |
| 28 |    | Amount of loss (based on over \$10,000<br>But less than \$30,000): |   |

PLEA AGREEMENT

CR \_\_\_\_\_

## c Acceptance of Responsibility:

-2

I agree that a sentence of imprisonment within the Guideline range set forth above is reasonable, and that I will not seek a sentence of imprisonment below the low end of that Guideline range and a three (3) year term of supervised release. However, if my sentencing guideline range calls for a sentence of 0-6 months, then I agree that a sentence of three (3) years of probation is reasonable and will not request a lesser sentence. I agree that a sentence within the applicable Guideline range is reasonable and that I will not seek a sentence below the applicable Guideline range. I agree that, regardless of any other provision in this Agreement, the government may and will provide to the Court and the Probation Office all information relevant to the charged offense(s) or the sentencing decision. I also agree that the Court is not bound by the Sentencing Guidelines calculations above, the Court may conclude that a higher guideline range applies to me, and, if it does, I will not be entitled, nor will I ask, to withdraw my guilty plea.

8. I agree not to move for a downward departure of my sentence whether under the United States Sentencing Guidelines or the factors of 18 U.S.C. § 3553. I understand and agree that this agreement by me includes but is not limited to, not moving for a downward departure of my offense level, criminal history category or criminal history points as defined by the United States Sentencing Guidelines. Additionally, I agree that the application of the guidelines to my case results in a reasonable sentence and that I will not request that the court apply the sentencing factors under Section 3553 of Title 18, United States Code, to arrive at a sentence different than that called for under the guidelines. I acknowledge that if I request or suggest in any manner a different sentence than what is called for under the guidelines that the government, at its sole discretion, may for withdraw from this plea agreement and continue with its prosecution of me as if this plea agreement were not entered.

9. I agree that ~~the agrees that~~ my conduct is governed by the Mandatory Restitution Act pursuant to 18 U.S.C. § 3663A(c)(1)(A)(ii) and I agree to pay the full amount of restitution as ordered by the court to all victims affected by this offense, including but not limited to the victims covered in the factual basis, including the IRS and financial institutions, specifically HSBC and Santa Barbara Bank and Trust, and in an amount determined by the court at

PLEA AGREEMENT

CR \_\_\_\_\_



1 sentencing. I agree that I will make a good faith effort to pay any fine, forfeiture, or restitution I  
 2 am ordered to pay. Before or after sentencing, I will, upon request of the Court, the government,  
 3 or the U.S. Probation Office, provide accurate and complete financial information, submit sworn  
 4 statements and give depositions under oath concerning my assets and my ability to pay,  
 5 surrender assets I obtained as a result of my crimes, and release funds and property under my  
 6 control in order to pay any fine, forfeiture, or restitution. I agree to pay the special assessment at  
 7 the time of sentencing.

8 10. I agree not to commit or attempt to commit any crimes before sentence is imposed  
 9 or before I surrender to serve my sentence. I also agree not to violate any of the terms of my  
 10 pretrial release; not to intentionally provide false information to the Court, the Probation Office,  
 11 Pretrial Services, or the government; and not to fail to comply with any of the other promises I  
 12 have made in this Agreement. I agree that, if I fail to comply with any promises I have made in  
 13 this Agreement, then the government will be released from all of its promises in this Agreement,  
 14 including those set forth in paragraphs 12 through 14 below, but I will not be released from my  
 15 guilty plea. I further understand that any violations of this agreement by the defendant will  
 16 result in a motion to withdraw from the plea agreement by the government and will make the  
 17 Rule 20 transferred agreed to by the Eastern and Northern District of California null and void  
 18 and the United States will proceed with its prosecution in the Eastern District of California as if  
 19 the Rule 20 transfer and this plea agreement had never been entered into by the parties.

20 11. I agree that this Agreement contains all of the promises and agreements between  
 21 the government and me, and I will not claim otherwise in the future.

22 12. I agree that this Agreement binds the U.S. Attorney's Office for the Northern  
 23 District of California and Eastern District of California only, and does not bind any other federal,  
 24 state, or local agency.

#### 25 The Government's Promises

26 13. The government agrees not to file any additional charges against the defendant  
 27 that could be filed as a result of the investigation that led to the captioned indictment.

28 14. The government agrees to recommend the Guidelines calculations set out above.

PLEA AGREEMENT

CR \_\_\_\_\_

15. The government agrees to recommend that the defendant be sentenced to the low end of the applicable guideline range and to a three (3) year term of supervised release. However, if the defendant's sentencing guideline range calls for a sentence of 0-6 months, then the government will agree to recommend that the defendant be sentence to three (3) years of probation.

The Defendant's Affirmations

16. I confirm that I have had adequate time to discuss this case, the evidence, and this Agreement with my attorney, and that he has provided me with all the legal advice that I requested.

17. I confirm that while I considered signing this Agreement, and at the time I signed it, I was not under the influence of any alcohol, drug, or medicine.

18. I confirm that my decision to enter a guilty plea is made knowing the charges that have been brought against me, any possible defenses, and the benefits and possible detriments of proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or threatened me to enter into this Agreement.

Dated: 8-23-07



ALLEN RANDLE  
Defendant

SCOTT N. SCHOOLS  
United States Attorney

Dated: 9/18/07



BRYAN WHITAKER  
Special Assistant United States Attorney

I have fully explained to my client all the rights that a criminal defendant has and all the terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all the rights he is giving up by pleading guilty, and, based on the information now known to

PLEA AGREEMENT

CR \_\_\_\_\_

1 me, his decision to plead guilty is knowing and voluntary.

2  
3 Dated: 8/31/07

Joyce Leavitt  
JOYCE LEAVITT  
Attorney for Defendant

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PLEA AGREEMENT  
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CLOSED

**U.S. District Court  
Eastern District of California - Live System (Fresno)  
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00122-OWW All  
Defendants  
Internal Use Only**

Case title: USA v. Randle

Date Filed: 05/24/2007

Magistrate judge case number: 1:07-mj-

Date Terminated: 01/10/2008

00093-DLB

Assigned to: Judge Oliver W.  
Wanger

**Defendant**

**Allen Randle (1)**

*TERMINATED: 01/10/2008*

represented by **Steven Leon Crawford**

Law Office of Steven L.

Crawford

651 Dolliver

Suite A

Pismo Beach, CA 93449

805-458-6312

Email:

crawfordlaw@yahoo.com

**LEAD ATTORNEY**

**ATTORNEY TO BE**

**NOTICED**

I hereby attest and certify on DEC 10 2008  
that the foregoing document is a full, true  
and correct copy of the original on file in my  
office and in my legal custody.

**VICTORIA C. MINOR**  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

By  Deputy

**Pending Counts**

None

**Disposition**

**Highest Offense Level**  
**(Opening)**

None

**Terminated Counts**

FALSE OR FRAUDULENT  
CLAIMS  
(1-2)

**Disposition**

Transferred to Northern  
District of California

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

18:287.F ~ False claim to IRS

**Disposition**

**Plaintiff**

USA

represented by **Stanley Albert Boone**  
United States Attorney  
2500 Tulare Street  
Suite 4401  
Fresno, CA 93721  
(559) 497-4042  
Fax: (559) 497-4099  
Email:  
stanley.boone@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/11/2007	<a href="#"><b>1</b></a>	COMPLAINT as to Allen Randle (1). (Kusamura, W) [1:07-mj-00093-DLB] (Entered: 05/11/2007)
05/11/2007	<a href="#"><b>2</b></a>	(Court only) Arrest WARRANT ISSUED by Dennis



		L. Beck as to Allen Randle. (Kusamura, W) [1:07-mj-00093-DLB] (Entered: 05/11/2007)
05/18/2007	<a href="#"><u>3</u></a>	RULE 5(c)(3) DOCUMENTS RECEIVED from the USDC, Northern District of California, as to Allen Randle. (Rooney, M) [1:07-mj-00093-DLB] (Entered: 05/18/2007)
05/22/2007	<a href="#"><u>4</u></a>	ARREST WARRANT RETURNED Executed on 05/11/07 as to Allen Randle. (Lundstrom, T) [1:07-mj-00093-DLB] (Entered: 05/23/2007)
05/24/2007	<a href="#"><u>5</u></a>	INDICTMENT as to Allen Randle (1) count(s) 1-2. (Attachments: # <a href="#"><u>1</u></a> True Bill) (Lundstrom, T) (Entered: 05/25/2007)
05/25/2007	<a href="#"><u>6</u></a>	STIPULATION and ORDER Continuing Initial Appearance/Arraignment Date and Exclusion of Time as to Allen Randle. Initial Appearance set for 6/8/2007 at 01:00 PM in Courtroom 7 (SMS) before Magistrate Judge Sandra M. Snyder. Signed by Judge Sandra M. Snyder on 5/25/07. (Gil-Garcia, A) (Entered: 05/25/2007)
06/07/2007	<a href="#"><u>7</u></a>	MINUTE ORDER(TEXT Only): <b>Time Change</b> as to defendant Allen Randle - ARRAIGNMENT set for 6/8/2007 at <b>11:30 AM</b> (was 1:00pm) in Courtroom 7 (SMS) before Judge Sandra M. Snyder. (Herman, H) (Entered: 06/07/2007)
06/07/2007	<a href="#"><u>8</u></a>	CJA 20 as to Allen Randle: Appointment of Attorney, Steven Leon Crawford for Allen Randle, signed by Judge Oliver W. Wanger on 6/5/07. (Gil-Garcia, A) (Entered: 06/07/2007)
06/08/2007	<a href="#"><u>9</u></a>	STIPULATION and ORDER continuing Initial Appearance/Arraignment Date and Exclusion of Time as to Allen Randle. Initial Appearance set for 7/2/2007 at 01:30 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. Signed by Judge Sandra M. Snyder on 6/7/07. (Gil-Garcia, A) (Entered: 06/08/2007)

06/08/2007	● <u>10</u>	NOTICE of ATTORNEY APPEARANCE: Steven Leon Crawford appearing for Allen Randle. (Gil-Garcia, A) (Entered: 06/08/2007)
07/02/2007	● <u>11</u>	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger :Initial Appearance/Arrestment as to Allen Randle continued to 8/27/2007 at 01:30 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. Government Counsel S. Boone present. Defense Counsel S. Crawford - NOT PRESENT. Custody Status: Bond. Court Reporter/CD Number: K. Lopez. (Timken, A) (Entered: 07/02/2007)
07/13/2007	● <u>12</u>	STIPULATION and ORDER signed by Judge Oliver W. Wanger on 7/12/07. Arrestment for Allen Randle CONTINUED TO 8/27/2007 at 01:30 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Lundstrom, T) (Entered: 07/13/2007)
08/27/2007	● <u>13</u>	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger :Initial Appearance/Arrestment as to Allen Randle continued to 9/24/2007 at 01:30 PM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. XT Start: 8/27/2007 Stop: 9/24/2007. Government Counsel S. Boone present. Defense Counsel S. Crawford present. Custody Status: Bond. Court Reporter/CD Number: P. Crawford. (Timken, A) (Entered: 08/28/2007)
01/02/2008	● <u>14</u>	MEMORANDUM by USA as to Allen Randle to the AUSA of the Northern District of CA regarding a Rule 20 transfer to that District. (Lundstrom, T) (Entered: 01/10/2008)
01/10/2008	● <u>15</u>	CONSENT to TRANSFER JURISDICTION Rule 20 to Northern District of California Counts closed as to Allen Randle (1) Count 1-2. (Lundstrom, T) (Entered: 01/10/2008)

01/10/2008	● <u>16</u>	TRANSMITTAL of DOCUMENTS re <u>14</u> Memorandum - CR filed by USA on *1/2/2008* to * U.S District Court* *Northern District of California* *450 Golden Gate Avenue* *San Francisco, CA 90012*. *Electronic Documents: 1 to 15. *. (Lundstrom, T) (Entered: 01/10/2008)
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